

By Val

H. B. No. 837

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of speech pathologists and audiologists; providing penalties; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. PURPOSE. It is declared to be a policy of this state that, in order to safeguard the public health, safety, and welfare, and to protect the public from being misled by incompetent, unscrupulous, and unauthorized persons, and to protect the public from unprofessional conduct by qualified speech pathologists and audiologists, it is necessary to provide regulatory authority over persons offering speech pathology and audiology services to the public.

Sec. 2. DEFINITIONS. As used in this Act:

(1) "Committee" means the State Committee of Examiners for Speech Pathology and Audiology.

(2) "Person" means any individual, organization, or corporate body, except that only individuals can be licensed under this Act.

(3) "Speech pathologist" means one who practices speech pathology and holds himself out to the public by any title or description of services incorporating the words "speech pathologist," "speech pathology," "speech therapy," "speech correction," "speech correctionist," "speech therapist," "speech clinic," "speech clinician," "language pathologist," "language

1 pathology," "language therapist," "logopedics," "logopedist,"
2 "communicology," "communicologist," "aphasiologist," "voice
3 therapy," "voice therapist," "voice pathology," "voice
4 pathologist," "phoniatrist," or any similar titles or descriptions
5 of services.

6 (4) "The practice of speech pathology" means the application
7 of principles, methods, and procedures for the measurement,
8 testing, evaluation, prediction, counseling, or instruction related
9 to the development and disorders of speech, voice, or language
10 for the purpose of evaluating, preventing, treating, ameliorating,
11 or modifying such disorders and conditions in individuals or
12 groups of individuals.

13 (5) "Audiologist" means one who practices audiology and
14 holds himself out to the public by any title or description of
15 services incorporating the words "audiologist," "audiology,"
16 "audiological," "hearing center," "hearing clinic," "hearing
17 clinician," "hearing therapist," "audiometry," "audimetrist,"
18 "audiometrics," "otometry," "otometrist," or any similar titles
19 or descriptions of service.

20 (6) "The practice of audiology" means the application of
21 principles, methods, and procedures of measurement, testing,
22 appraisal, prediction, consultation, counseling, and instruction
23 related to hearing and disorders of hearing for the purpose of
24 modifying communicative disorders involving speech, language,
25 auditory function, or other aberrant behavior related to hearing
26 loss.

27 Sec. 3. ADMINISTRATION. (a) The State Committee of

1 Examiners for Speech Pathology and Audiology under the jurisdiction
2 of the Texas State Board of Medical Examiners is created. The
3 committee shall consist of nine members, appointed by the governor
4 who have been residents of the State of Texas for two years
5 immediately preceding appointment. Six members shall have been
6 engaged in rendering services, teaching, or research in speech
7 pathology and/or audiology for at least five years. Of these six
8 members, three members shall be audiologists, three members shall
9 be speech pathologists; and except for the initial appointees,
10 all six shall hold valid licenses under this law. Three shall
11 be public members, one of whom is a licensed physician and surgeon,
12 board certified in otolaryngology; and the remaining two public
13 members shall not be licensees of the committee or of any board
14 under this division. Members shall be appointed from the nominees
15 of the Texas Speech and Hearing Association, the Texas Medical
16 Association, and the Texas Education Agency. The members of the
17 committee shall serve until the expiration of the term to which
18 they have been appointed or until their successors are qualified.

19 (b) Their appointment shall be made as follows:

20 (1) The initial term shall be by lot and divided in the
21 following manner: three members of the committee shall be
22 appointed for a term of two years; three members of the committee
23 shall be appointed for a term of four years; and three members
24 of the committee shall be appointed for a term of six years. All
25 appointments made thereafter shall be for the term of six years.

26 (2) When a vacancy on the committee occurs, the Texas
27 Speech and Hearing Association shall recommend not less than three

1 persons to fill each vacancy for speech pathology or audiology
2 members; the Texas Medical Association shall recommend not less
3 than three otolaryngologists to fill the vacancy for the
4 otolaryngologist member, and the Texas Education Agency shall
5 recommend not less than three persons to fill the vacancy for a
6 public member.

7 (c) The committee shall organize annually and select a
8 chairman who, except for the initial chairman, shall hold a valid
9 license under this Act, a vice-chairman, and a secretary-treasurer.
10 The initial chairman shall be a person who meets the qualifications
11 for licensing under this Act.

12 (d) Five members of the committee shall constitute a quorum
13 to do business.

14 (e) No person may be appointed to serve more than two
15 consecutive terms.

16 (f) The committee shall hold at least one regular meeting
17 each year at which time at least one of the year's exams shall
18 be offered. Additional meetings may be held on the call of the
19 chairman or at the written request of any three members of the
20 committee. At least 14 days' advance notice of committee meetings
21 is required.

22 Sec. 4. DUTIES AND POWERS. (a) The committee shall
23 administer, coordinate, and enforce the provisions of this Act,
24 evaluate the qualifications of applicants, and supervise the
25 examination of applicants. The committee may issue subpoenas,
26 examine witnesses, and administer oaths under the state laws of
27 Texas; and it shall investigate persons engaging in practices

1 which violate the provisions of this Act.

2 (b) The committee shall conduct hearings and keep records
3 and minutes necessary to an orderly dispatch of the administration
4 of this Act.

5 (c) The committee shall adopt reasonable rules and
6 regulations, including but not limited to regulations which
7 establish ethical standards of practice, and the committee may
8 amend or repeal the rules and regulations adopted by it.

9 (d) Every person who holds a license to practice speech
10 pathology or audiology in this state is governed and controlled
11 by the rules and regulations adopted by the committee.

12 (e) The conferral or enumeration of specific powers
13 elsewhere in this Act shall not be construed as a limitation of
14 the general powers conferred by this section.

15 (f) The committee shall be represented by the attorney
16 general and the district and county attorneys of this state.

17 (g) Officers and employees directly responsible for handling
18 money paid to the committee shall give any bond for the performance
19 of this duty which the committee may require. The premium for
20 the bond shall be paid from committee funds.

21 Sec. 5. COMPENSATION AND PAYMENT OF EXPENSES OF COMMITTEE.

22 (a) The committee members shall receive no compensation for their
23 services, but they may receive reimbursement for actual expenses
24 incurred in the administration of this Act.

25 (b) All expenses incurred by the committee in the
26 administration of the provisions of this Act shall be paid by
27 warrants drawn on the state treasury by the comptroller when

1 vouchers for expenses approved by the committee are submitted to
2 the comptroller.

3 Sec. 6. EMPLOYEES OF THE COMMITTEE. The committee may
4 employ, and at its pleasure discharge, a secretary and attorneys,
5 inspectors, clerks, and any other employees deemed necessary, and
6 shall outline their duties and fix their compensation.

7 Sec. 7. SEAL AND AUTHENTICATION OF RECORDS. The committee
8 shall adopt a seal by which it shall authenticate its proceedings.
9 Copies of the proceedings, records, and acts of the committee,
10 and certificates purporting to relate the facts concerning such
11 proceedings, records, and acts, signed by the secretary and
12 authenticated by the seal, are prima facie evidence in all courts
13 of this state.

14 Sec. 8. LICENSING AND REGULATION OF SPEECH PATHOLOGISTS
15 AND AUDIOLOGISTS. (a) Licenses shall be granted either in speech
16 pathology or audiology independently. A person may be licensed
17 in both areas if he meets the respective qualifications.

18 (b) No person may practice or represent himself as a speech
19 pathologist or audiologist in this state after December 31, 1973,
20 unless he is licensed in accordance with the provisions of this
21 Act.

22 Sec. 9. PERSONS AND PRACTICES NOT AFFECTED. (a) Nothing
23 in this Act may be construed to prevent a qualified person licensed
24 in this state under any other law from engaging in the profession
25 for which he is licensed.

26 (b) Nothing in this Act may be construed to prevent a
27 physician or surgeon duly licensed by the Texas State Board of

1 Medical Examiners and justified to practice in the State of Texas
2 or persons employed and directly supervised by them from testing
3 or measuring human hearing.

4 (c) Nothing in this Act may be construed as restricting
5 the activities and services of a student or intern in speech
6 pathology at an accredited or approved college or university or
7 an approved clinical training or service facility, provided that
8 these activities and services constitute a part of his supervised
9 course of study or internship year and that these persons are
10 designated by such titles as "Speech Pathology Intern," "Speech
11 Pathology Trainee," or other such title clearly indicating the
12 training status appropriate to his level of training.

13 (d) Nothing in this Act may be construed as restricting
14 activities and services of a student or intern in audiology
15 pursuing a course of study leading to a degree in audiology at
16 an accredited or approved college or university or an approved
17 clinical training or service facility, provided that these
18 activities and services constitute a part of his supervised course
19 of study or internship year and that such persons are designated
20 by such title as "Audiology Intern," "Audiology Trainee," or other
21 such title clearly indicating the training status appropriate to
22 his level of training.

23 (e) Nothing in this Act may be construed as restricting
24 a person from another state offering his speech pathology or
25 audiology services in this state provided the services are
26 performed for no more than five days in any calendar year and
27 provided that person meets the qualifications and requirements

1 stated in Section 10 of this Act. However, a person from another
2 state who is licensed or certified as a speech pathologist or
3 audiologist by a similar committee of another state or territory
4 of the United States, a foreign country, or a province whose
5 standards, at the date of his certification or licensing, are
6 equivalent to or higher than the requirements of this Act and
7 regulations adopted under this Act, or a person who meets the
8 qualifications and requirements for licensing under this Act and
9 resides in a state or territory of the United States, a foreign
10 country, or province which does not grant certification or license
11 to speech pathologists may also offer speech pathology services
12 in this state for a total of not more than 90 days in any calendar
13 year without being licensed under this Act.

14 Sec. 10. QUALIFICATIONS OF APPLICANTS FOR LICENSE. To be
15 eligible for licensing as a speech pathologist or audiologist,
16 the applicant must:

17 (1) be of good moral character;

18 (2) be a citizen of the United States or have declared his
19 intention to become a citizen. A statement by the applicant under
20 oath that he is a citizen or that he intends to apply for
21 citizenship when he becomes eligible to make application, is
22 sufficient proof of compliance with this subdivision;

23 (3) submit transcripts from one or more colleges or
24 universities showing that a total of 60 semester hours of academic
25 credit have been successfully completed and that the applicant
26 has obtained the following well-integrated program of course
27 study:

1 (A) 12 semester hours must be in courses that provide
2 information that pertains to normal development and use of speech,
3 language, and hearing,

4 (B) 30 semester hours must be in courses that provide
5 information about and training in evaluation and management of
6 speech, language, and hearing disorders. At least 24 of these
7 30 semester hours must be in courses in the professional area
8 (speech pathology or audiology) for which the license is requested,
9 and no less than 6 semester hours may be in audiology for the
10 license in speech pathology or in speech pathology for the license
11 in audiology. Moreover, no more than 6 semester hours may be in
12 courses that provide credit for clinical practice obtained during
13 academic training,

14 (C) credit for study of information pertaining to related
15 fields that augment the work of the clinical practitioner of
16 speech pathology and/or audiology may also apply,

17 (D) 30 semester hours that are required for a license must
18 be in courses that are acceptable toward a graduate degree by the
19 college or university in which they are taken (21 of those 30
20 semester hours must be within the 24 semester hours required in
21 the professional area (speech pathology or audiology) for which
22 the license is requested or within the 6 semester hours required
23 in the other area);

24 (4) have completed a minimum of 300 clock hours of
25 supervised clinical experience with individuals who present a
26 variety of communication disorders, and this experience must have
27 been obtained within his training institution or in one of its

1 cooperating programs;

2 (5) have obtained the equivalent to nine months of full-time
3 professional experience (the Clinical Fellowship Year) in which
4 bona fide clinical work has been accomplished in the major
5 professional area (speech pathology or audiology) in which the
6 license is being sought. The Clinical Fellowship Year must have
7 begun after completion of the academic and clinical practicum
8 experiences specified in Subsections (3)(A), (B), (C), (D), and
9 (4) of this section.

10 Sec. 11. APPLICATION FOR LICENSE. Each applicant shall
11 be examined by the committee and shall pay to the committee, at
12 least 30 days prior to the date of the examination, an examination
13 fee prescribed by the committee, which fee will not be refunded
14 by the committee.

15 Sec. 12. EXAMINATION. (a) The committee may examine by
16 written or oral examination or by both. The examination shall
17 be given at least twice a year at the time and place and under
18 such supervision as the committee may determine. Standards for
19 acceptable performance shall be determined by the committee.

20 (b) An applicant may petition the committee to waive the
21 written examination or any of its parts if he can demonstrate
22 adequate competence in the area he is seeking a license, however,
23 the fee for the written examination will be paid by the applicant.

24 Sec. 13. LICENSING UNDER SPECIAL CONDITIONS. The committee
25 may waive the examination and educational requirements for those
26 applicants who, on the effective date of this act, are actively
27 engaged in the practice of speech pathology and/or audiology upon

1 proof of bona fide practice presented to the committee in the
2 manner prescribed by the committee's regulations, providing that
3 they file an application for licensure within 90 days from the
4 effective date of this Act.

5 Sec. 14. ISSUANCE OF LICENSE. (a) The committee shall
6 issue a license to all applicants who meet the requirements of
7 this Act and who pay to the committee the initial license fee
8 provided by the committee but not to exceed \$50.

9 (b) Temporary certificate of registration may be applied
10 for to the committee by a person who fulfills the requirements
11 of Section 10 of this Act and who has not previously applied to
12 take the examination provided under Section 12 of this Act.

13 (c) On receiving an application provided under Subsection
14 (b) of this section accompanied by a fee of \$10, the committee
15 shall issue a temporary certificate of registration which entitles
16 the applicant to practice audiology or speech pathology for a
17 period ending eight weeks after the conclusion of the next
18 examination given after the date of issue.

19 Sec. 15. RENEWAL OF LICENSE. (a) Each licensed speech
20 pathologist or audiologist shall annually on or before January
21 30 pay to the committee a set fee for a renewal of his license.
22 A 30-day grace period shall be allowed after January 30. After
23 expiration of the grace period, the committee may renew each
24 license after payment of a penalty set by the committee. No
25 person who applies for renewal, whose license has expired, may
26 be required to submit to any examination as a condition to renewal,
27 provided the renewal application is made within two years from

1 the date of the expiration.

2 (b) A suspended license is subject to expiration and shall
3 be renewed as provided in this Act, but the renewal does not
4 entitle the licensee, while the license remains suspended and
5 until it is reinstated, to engage in the licensed activity, or
6 in any other activity or conduct in violation of the order or
7 judgment by which the license was suspended. A license revoked
8 on disciplinary grounds is subject to expiration as provided in
9 this Act, but it may not be renewed. If it is reinstated after
10 its expiration, the licensee, as a condition of reinstatement,
11 shall pay a reinstatement fee in an amount equal to the renewal
12 fee in effect on the last preceding regular renewal date before
13 the date on which it is reinstated, plus the delinquency fee, if
14 any, accrued at the time of the license revocation.

15 Sec. 16. FEES. The amount of fees prescribed in connection
16 with a license as a speech pathologist or audiologist shall be
17 an amount fixed by the committee (and shall not exceed \$50). The
18 committee shall fix the amount of the fees so that the total fees
19 collected will be sufficient to meet the expenses of administering
20 this Act and so that unnecessary surpluses in the fund provided
21 for in Section 20 are avoided.

22 Sec. 17. SUSPENSION AND REVOCATION. (a) The committee
23 may refuse to issue a license, or may suspend or revoke the license
24 of any licensee if he has been guilty of unprofessional conduct
25 which has endangered or is likely to endanger the health, welfare,
26 or safety of the public. Such unprofessional conduct may include:

27 (1) obtaining a license by means of fraud,

1 misrepresentation, or concealment of material facts;

2 (2) selling, bartering, or offering to sell or barter a
3 license or certificate of registration;

4 (3) being guilty of unprofessional conduct as defined by
5 the rules established by the committee, or violating the code of
6 ethics adopted and published by the committee;

7 (4) violating any lawful order, rule, or regulation rendered
8 or adopted by the committee; or

9 (5) violating any provisions of this Act.

10 (b) The committee shall deny an application for, or suspend
11 or revoke, or impose probationary conditions upon, a license as
12 ordered by the committee in any decision made after hearing as
13 provided in this Act. One year from the date of revocation of
14 a license under this Act, application may be made to the committee
15 for reinstatement. The committee shall have discretion to accept
16 or reject an application for reinstatement and may require an
17 examination for the reinstatement.

18 (c) A plea or verdict of guilty or a conviction following
19 a plea of nolo contendere made to a charge of a felony or of an
20 offense involving moral turpitude is deemed to be a conviction
21 within the meaning of this Act. At the direction of the committee,
22 the license may be suspended or revoked, or the committee may
23 decline to issue a license when the time for appeal of the
24 conviction has elapsed, or the judgment or conviction has been
25 affirmed on appeal, or when an order granting probation is made
26 suspending the imposition of sentence irrespective of a subsequent
27 order allowing a person to withdraw his plea of guilty, or setting

1 aside the verdict of guilty, or dismissing the information or
2 indictment.

3 Sec. 18. PENALTIES. (a) Any person who violates any of
4 the provisions of this Act is guilty of a misdemeanor and on
5 conviction is punishable by imprisonment in the county jail not
6 exceeding six months, or by a fine not exceeding \$1,000, or both.

7 (b) Whenever any person other than a licensed speech
8 pathologist or audiologist has engaged in any act or practice
9 which constitutes an offense under this Act, a district court of
10 any county, on application of the committee, may issue an
11 injunction or other appropriate order restraining such conduct.

12 Sec. 19. PROCEDURES FOR DENIAL, REVOCATION, OR SUSPENSION
13 OF A LICENSE. (a) Any person whose application for a license
14 is denied is entitled to a hearing before the committee if he
15 submits a written request to the committee.

16 (b) Proceedings for revocation or suspension of a license
17 shall be commenced by filing charges with the committee in writing
18 and under oath. The charges may be made by any person or persons.

19 (c) The chairman of the committee shall fix a time and
20 place for a hearing and shall cause a written copy of the charges
21 or reason for denial of a license, together with a notice of the
22 time and place fixed for the hearing, to be served on the applicant
23 requesting the hearing or the licensee against whom the charges
24 have been filed at least 20 days prior to the date set for the
25 hearing. Service of charges and notice of hearing may be given
26 by certified mail to the last known address of the licensee or
27 applicant.

1 (d) At the hearing the applicant or licensee has the right
2 to appear either personally or by counsel, or both, to produce
3 witnesses, to have subpoenas issued by the committee, and to
4 cross-examine opposing or adverse witness.

5 (e) The committee is not bound by strict rules of procedure
6 or by the laws of evidence in the conduct of the proceedings but
7 the determination shall be founded upon sufficient legal evidence
8 to sustain it.

9 (f) The committee shall determine the charges on their
10 merits and enter an order in a permanent record setting forth the
11 findings of fact and law and the action taken. A copy of the
12 order of the committee shall be mailed to the applicant or licensee
13 at his last known address by certified mail.

14 (g) An individual whose application for a licensee has
15 been refused or whose license has been cancelled, revoked, or
16 suspended by the committee may take an appeal, within 20 days
17 after the order is entered, to any district court of Travis County
18 or to any district court of the county of his residence.

19 (h) A case reviewed under the provisions of this section
20 proceeds in the district court by trial de novo as that term is
21 used and understood in appeals from justice of the peace courts
22 to the county courts of this state. Appeal from the judgment of
23 the district court lies as in other civil cases.

24 Sec. 20. DISPOSITION OF FUNDS RECEIVED. (a) All funds
25 received by the committee under this Act shall be paid to the
26 secretary-treasurer of the committee. All money shall be deposited
27 in the state treasury in a separate fund to be known as the speech

1 pathology and audiology fund.

2 (b) All expenses for the administration of this Act shall
3 be paid from fees collected by the committee under this Act and
4 fees paid into the speech pathology and audiology fund are
5 allocated to the committee for that purpose.

6 Sec. 21. REVENUE. (a) The committee shall report to the
7 state comptroller at the beginning of each month the amount and
8 source of all revenue received by it during the preceding month
9 pursuant to this Act, and at the time shall pay the entire amount
10 thereof into the speech pathology and audiology fund.

11 (b) All licenses expire and become invalid one year from
12 the date of issuance if not renewed.

13 Sec. 22. EXEMPTIONS FROM THE BASIC SCIENCE LAW. The
14 provisions of Chapter 95, Acts of the 51st Legislature, Regular
15 Session, 1949, as amended (Article 4590c, Vernon's Texas Civil
16 Statutes), do not apply to audiologists and/or speech pathologists
17 duly qualified and licensed under this Act who confine their
18 activity to the areas specified in this Act.

19 Sec. 23. SEVERABILITY. If any portion of this Act or the
20 application thereof to any person, case, or circumstance is held
21 invalid, such invalidity shall not affect other provision or
22 application of the Act which can be given effect without the
23 invalid provision or application, and to this end the provisions
24 of this Act are declared to be severable.

25 Sec. 24. EFFECTIVE DATE. This Act is effective September
26 1, 1973.

27 Sec. 25. EMERGENCY. The importance of this legislation

1 and the crowded condition of the calendars in both houses create
2 an emergency and an imperative public necessity that the
3 constitutional rule requiring bills to be read on three several
4 days in each house be suspended, and this rule is hereby suspended.

FORM C
COMMITTEE REPORT

Date May 10, 1973

HONORABLE PRICE DANIEL, JR.

Speaker of the House of Representatives.

Sir:

We, your Committee on HUMAN RESOURCES, to whom was
referred HB No. 837, have had the same under consideration

and beg to report back with recommendation that it do pass, and be not printed.

Committee Substitute was recommended and is to be printed in lieu of the original bill.

The Committee recommends that this measure be considered for the Local and Consent Calendar. ✓

~~House sponsor of Senate measure:~~ _____

The measure was reported from Committee by the following record vote:

<u>11</u>	ayes
<u>0</u>	nays
<u>0</u>	present, not voting
<u>10</u>	absent

Charles J. Truman
Chairman.

This measure proposes new law. ✓

Summary of Committee Action:

The Committee on Human Resources posted notice in accordance with Rule VIII, Section 13, Rules of the House and considered H.B. 837 in a Public Hearing on April 17, 1973. At that time the measure was referred to a Special Subcommittee. On May 8, 1973 the subcommittee reported the bill favorably to the full committee, after holding several public hearings of its own, in substitute form. On May 10, 1973, the full committee by a record vote of 11 ayes, 0 nays, 0 present and not voting, reported the bill favorably in substitute form (with amendments to the substitute recommended by the subcommittee) with the recommendation that it do pass in that form, and be placed on the Consent calendar.

The measure proposes new law.

Committee on Human Resources

BILL ANALYSISBackground Information:

Presently there is no law regulating the practice of speech pathology. V.T.C.S., Art. 4566-1.01, et seq, regulates the fitting and dispensing of hearing aids, but there is otherwise no law regulating the practice of audiology. It is alleged that speech pathologists and audiologists have the responsibility of aiding persons with speech, language, and hearing problems, which prevail among approximately 10-15% of the population. It is further alleged that a significant amount of training is required to perform these functions adequately, without risk or harm to patients.

What the Bill Proposes to Do:

To create a Committee of Examiners for Speech Pathology and Audiology to regulate and license persons wishing to practice in these fields. To set forth minimum educational qualifications for licensing.

Section by Section Analysis:

Section 1. Statement of Purpose.

Section 2. Definitions.

Section 3. (a) Creates a Committee of Examiners for Speech Pathology under the State Department of Public Health. Three members shall be audiologists, three shall be speech pathologists, one a licensed otolaryngologist, one person representing the general public, and one other interested person. The Governor appoints members for 6 year terms.

(b) Provides for staggered terms.

(c) Provides for selection of a chairman by the committee (who shall qualify for licensing under the Act).

(d) Provides for a five-member quorum.

(e) Limits consecutive terms to two.

(f) Provides for a minimum of one yearly meeting, at which exams shall be offered, and procedure for calling additional meetings.

Section 4. (a) Empowers the committee to enforce the Act, evaluate applicants, supervise exams, investigate violations, and hold administrative hearings.

(b) Allows the committee to conduct hearings and keep necessary records.

(c) Empowers the committee to adopt reasonable rules and regulations, including ethics.

(d) Provides that the committee's rules apply to all licensees.

(e) Provides that specifically delineated committee powers do not limit general powers.

(f) Directs legal representation of the committee.

(g) Allows the committee to require bonding of employees.

Section 5. Provides for reimbursement to committee members for actual expenses.

Section 6. Empowers the committee to employ necessary personnel.

Section 7. Provides for authentication of committee records.

Section 8. Directs independent licensing of speech pathologists and audiologists. Licenses are required after 12/31/73.

Section 9. Exempts certain persons from the Act.

(a) Persons licensed to practice other professions.

(b) Governmental employees engaged in official activity.

(c) Students or interns in speech pathology.

- (d) Students or interns in audiology.
- (e) Persons licensed to fit hearing aids, for that purpose only.
- (f) Note: this Act does not authorize the fitting of hearing aids.

Section 10. Sets forth qualifications for licensing. Academically, an applicant must have a master's degree, and at least 60 hours of credit in a program which shall include:

- (a) Twelve hours credit in normal speech and hearing;
- (b) Thirty hours credit in management of speech and hearing disorders, at least 24 in the professional area of the license applied for, and no more than six for clinical practice;
- (c) Study of related fields, if desired;
- (d) Thirty semester hours applicable to a graduate degree from the college administering them (21 of which must be professional area courses).

The applicant shall also have 300 clock hours or supervised clinical experience, and shall participate in a clinical fellowship for a year.

Section 11. Provides for exam applications and fees.

Section 12. Designates the committee to administer exams, to be given at least twice a year. Standards shall be those acceptable to the Certificate of Clinical Competency in speech pathology and audiology. The exam may be waived if adequate competence is demonstrated.

Section 13. Allows the committee to waive examination for persons with a baccalaureate degree in speech pathology or audiology, who prove they are actively practicing on the effective date and in certain circumstances for those who have not been actively practicing at that time.

Section 14. Provides for licensing of all meeting the requirements on a fee up to \$50.00. Temporary certificates may be granted under certain circumstances.

Section 15. Provides procedure for renewal of licenses. Licenses expire one year from issuance if not renewed.

Section 16. Empowers the committee to set license fees up to \$50.00, to meet administration costs.

Section 17. (a) Allows license denial, suspension, or revocation for unprofessional conduct which may endanger the public.

(b) Provides for a hearing before denial, suspension, or revocation; reapplication may be made after one year.

(c) Conviction of a crime of moral turpitude or of a felony is grounds for license denial, suspension, or revocation. Apparently action may be taken after appeals have ended, or after conviction is overturned by an appellate court.

Section 18. Provides for up to six months in jail or up to \$1,000 fine, or both, for violation of the Act. The committee may also seek injunction of violations in district court.

Section 19. Sets out procedure for administrative hearing and appeal.

Section 20. Provides for a separate fund for fees received by the committee and allocates these funds to pay expenses. Funds shall be appropriated to the committee for the Act, and shall come from general funds the first year.

Section 21. Directs the committee to make revenue reports.

Section 22. Exempts properly licensed speech pathologists and audiologists from Art. 4590c, V.T.C.S., which requires an examination in basic sciences for those practicing the healing arts.

Section 23. Severability Clause.

Section 24. Effective Date.

Section 25. Declares an Emergency.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 17, 1973

Honorable Carlos F. Truan, Chairman
Committee on Human Resources
House of Representatives
Capitol Building, Room 417-C
Austin, Texas 78701

In Re: House Bill No. 837

By: Vale

Substitute does not alter fiscal
implications.

Sir:

In response to your request and pursuant to House Rule VIII, Section 27, this office finds the fiscal implications of House Bill No. 837 (relating to the licensing and regulation of speech pathologists and audiologists) to be as follows:

1. The Commission is authorized to set fees at amounts not to exceed the maximum rates fixed in the bill. Income from such fees would probably not exceed \$10,000 per year.
2. The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Total Cost</u>
1974	\$ 23,500
1975	25,000
1976	26,500
1977	28,500
1978	30,500

3. Similar annual costs will continue as long as the provisions of the bill are in effect.



Thomas M. Keel
Legislative Budget Director

COMMITTEE AMENDMENT NO. 1

by Pantony

Strike everything below the enacting clause and substitute the following language in House Bill No. 837 by Vale:

Section 1. PURPOSE. It is declared to be a policy of this state that, in order to safeguard the public health, safety, and welfare, and to protect the public from being misled by incompetent, unscrupulous, and unauthorized persons, and to protect the public from unprofessional conduct by qualified speech pathologists and audiologists, it is necessary to provide regulatory authority over persons offering speech pathology and audiology services to the public.

Sec. 2. DEFINITIONS. As used in this Act:

(1) "Committee" means the State Committee of Examiners for Speech Pathology and Audiology.

(2) "Person" means any individual, organization, or corporate body, except that only individuals can be licensed under this Act.

(3) "Speech pathologist" means one who practices speech pathology and holds himself out to the public by any title or description of services incorporating the words "speech pathologist," "speech pathology," "speech therapy," "speech correction," "speech correctionist," "speech therapist," "speech clinic," "speech clinician," "language pathologist," "language

DATE

MAY 17 1973

READ AND ADOPTED

[Signature]
Clerk

House of Representatives

1 pathology," "language therapist," "logopedics," "logopedist,"
2 "communicology," "communicologist," "aphasiologist," "voice
3 therapy," "voice therapist," "voice pathology," "voice
4 pathologist," "phoniatriest," or any similar titles or descriptions
5 of services.

6 (4) "The practice of speech pathology" means the application
7 of principles, methods, and procedures for the measurement,
8 testing, evaluation, prediction, counseling, or instruction related
9 to the development and disorders of speech, voice, or language
10 for the purpose of evaluating, preventing,
11 or modifying such disorders and conditions in individuals or
12 groups of individuals.

13 (5) "Audiologist" means one who practices audiology and
14 holds himself out to the public by any title or description of
15 services incorporating the words "audiologist," "audiology,"
16 "audiological," "hearing center," "hearing clinic," "hearing
17 clinician," "hearing therapist,"
18 or any similar titles
19 or descriptions of service.

20 (6) "The practice of audiology" shall not include the prac-
21 tice of selling hearing aids as that practice is defined in
22 Chapter 366, p. 1122, Acts 1969, 61st Legislature (Article 4566,
23 Vernon's Annotated Texas Statutes). Nothing in this act shall
24 automatically qualify an audiologist to practice under Article
25 4566.

26 Sec. 3. ADMINISTRATION. (a) The State Committee of

1 Examiners for Speech Pathology and Audiology under the jurisdiction
2 of the Texas State Department of Public Health is created. The
3 committee shall consist of nine members, appointed by the governor
4 who have been residents of the State of Texas for two years
5 immediately preceding appointment. Six members shall have been
6 engaged in rendering services, teaching, or research in speech
7 pathology and/or audiology for at least five years. Of these six
8 members, three members shall be audiologists, three members shall
9 be speech pathologists; and except for the initial appointees,
10 all six shall hold valid licenses under this law. Three shall
11 be public members, one of whom is a licensed physician and surgeon,
12 board certified in otolaryngology; and the remaining two public
13 members, one representing education and one interested citizen,
14 shall not be licensees of the committee or of any board under
15 this division. The members of the committee shall serve until
16 the expiration of the term to which they have been appointed or
17 until their successors are qualified.

18 (b) Their appointment shall be made as follows:

19 (1) The initial term shall be by lot and divided in the
20 following manner: three members of the committee shall be
21 appointed for a term of two years; three members of the committee
22 shall be appointed for a term of four years; and three members
23 of the committee shall be appointed for a term of six years. All
24 appointments made thereafter shall be for the term of six years.

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(c) The committee shall organize annually and select a chairman who, except for the initial chairman, shall hold a valid license under this Act, a vice-chairman, and a secretary-treasurer. The initial chairman shall be a person who meets the qualifications for licensing under this Act.

(d) Five members of the committee shall constitute a quorum to do business.

(e) No person may be appointed to serve more than two consecutive terms.

(f) The committee shall hold at least one regular meeting each year at which time at least one of the year's exams shall be offered. Additional meetings may be held on the call of the chairman or at the written request of any three members of the committee. At least 14 days' advance notice of committee meetings is required.

Sec. 4. DUTIES AND POWERS. (a) The committee shall administer, coordinate, and enforce the provisions of this Act, evaluate the qualifications of applicants, and supervise the examination of applicants. The committee may issue subpoenas, examine witnesses, and administer oaths under the state laws of Texas; and it shall investigate persons engaging in practices

1 which violate the provisions of this Act.

2 (b) The committee shall conduct hearings and keep records
3 and minutes necessary to an orderly dispatch of the administration
4 of this Act.

5 (c) The committee shall adopt reasonable rules and
6 regulations, including but not limited to regulations which
7 establish ethical standards of practice, and the
8 committee may amend or repeal the rules and regulations adopted by it.

9 (d) Every person who holds a license to practice speech
10 pathology or audiology in this state is governed and controlled
11 by the rules and regulations adopted by the committee.

12 (e) The conferral or enumeration of specific powers
13 elsewhere in this Act shall not be construed as a limitation of
14 the general powers conferred by this section.

15 (f) The committee shall be represented by the attorney
16 general and the district and county attorneys of this state.

17 (g) Officers and employees directly responsible for handling
18 money paid to the committee shall give any bond for the performance
19 of this duty which the committee may require. The premium for
20 the bond shall be paid from committee funds.

21 Sec. 5. COMPENSATION AND PAYMENT OF EXPENSES OF COMMITTEE.

22 (a) The committee members shall receive no compensation for their
23 services, but they may receive reimbursement for actual expenses
24 incurred in the administration of this Act.

25 (b) All expenses incurred by the committee in the
26 administration of the provisions of this Act shall be paid by
27 warrants drawn on the state treasury by the comptroller when

1 vouchers for expenses approved by the committee are submitted to
2 the comptroller.

3 Sec. 6. EMPLOYEES OF THE COMMITTEE. The committee may
4 employ, and at its pleasure discharge, a secretary and attorneys,
5 inspectors, clerks, and any other employees deemed necessary, and
6 shall outline their duties and fix their compensation.

7 Sec. 7. SEAL AND AUTHENTICATION OF RECORDS. The committee
8 shall adopt a seal by which it shall authenticate its proceedings.
9 Copies of the proceedings, records, and acts of the committee,
10 and certificates purporting to relate the facts concerning such
11 proceedings, records, and acts, signed by the secretary and
12 authenticated by the seal, are prima facie evidence in all courts
13 of this state.

14 Sec. 8. LICENSING AND REGULATION OF SPEECH PATHOLOGISTS
15 AND AUDILOGISTS. (a) Licenses shall be granted either in speech
16 pathology or audiology independently. A person may be licensed
17 in both areas if he meets the respective qualifications.

18 (b) No person may practice or represent himself as a speech
19 pathologist or audiologist in this state after December 31, 1973,
20 unless he is licensed in accordance with the provisions of this
21 Act.

22 Sec. 9. PERSONS AND PRACTICES NOT AFFECTED. (a) Nothing
23 in this Act may be construed to prevent a qualified person licensed
24 in this state under any other law from engaging in the profession
25 for which he is licensed.

26 (b) Nothing in this act shall be construed to prevent or
27 restrict the activities and services, and the use of an official
28 title, by a person in the employ of a federal or state agency or
~~any other agency or~~

6

1 political subdivision of this State, to the extent that such
2 services and activities of such person are part of the duties of³
3 his office or position with such agency or institution.

4 (c) Nothing in this Act may be construed as restricting
5 the activities and services of a student or intern in speech
6 pathology at an accredited or approved college or university or
7 an approved clinical training or service facility, provided that
8 these activities and services constitute a part of his supervised
9 course of study or internship year and that these persons are
10 designated by such titles as "Speech Pathology Intern," "Speech
11 Pathology Trainee," or other such title clearly indicating the
12 training status appropriate to his level of training.

13 (d) Nothing in this Act may be construed as restricting
14 activities and services of a student or intern in audiology
15 pursuing a course of study leading to a degree in audiology at
16 an accredited or approved college or university or an approved
17 clinical training or service facility, provided that these
18 activities and services constitute a part of his supervised course
19 of study or internship year and that such persons are designated
20 by such title as "Audiology Intern," "Audiology Trainee," or other
21 such title clearly indicating the training status appropriate to
22 his level of training.

23 (e) Nothing in this Act may be construed to prevent a person
24 licensed to fit and dispense hearing aids by the Texas Board of
25 Examiners in Fitting and Dispensing Hearing Aids from engaging in the
26 practice of fitting and dispensing hearing aids in this State.

1 (f) Nothing in this Act shall be construed as authorizing
2 any person licensed under this Act to engage in the fitting and
3 dispensing of hearing aids as that term is defined in Chapter 366,
4 page 122, Acts 1969, 61st Legislature (Article 4566, Vernon's
5 Annotated Civil Statutes of Texas) unless such person has been
6 issued a license to engage in the fitting and dispensing of
7 hearing aids by the Texas Board of Examiners in the Fitting and
8 Dispensing of Hearing Aids.

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1 (A) 12 semester hours must be in courses that provide
2 information that pertains to normal development and use of speech,
3 language, and hearing,

4 (B) 30 semester hours must be in courses that provide
5 information about and training in evaluation and management of
6 speech, language, and hearing disorders. At least 24 of these
7 30 semester hours must be in courses in the professional area
8 (speech pathology or audiology) for which the license is requested,
9 and no less than 6 semester hours may be in audiology for the
10 license in speech pathology or in speech pathology for the license
11 in audiology. Moreover, no more than 6 semester hours may be in
12 courses that provide credit for clinical practice obtained during
13 academic training,

14 (C) credit for study of information pertaining to related
15 fields that augment the work of the clinical practitioner of
16 speech pathology and/or audiology may also apply,

17 (D) 30 semester hours that are required for a license must
18 be in courses that are acceptable toward a graduate degree by the
19 college or university in which they are taken (21 of those 30
20 semester hours must be within the 24 semester hours required in
21 the professional area (speech pathology or audiology) for which
22 the license is requested or within the 6 semester hours required
23 in the other area);

24 (E) have completed a minimum of 300 clock hours of
25 supervised clinical experience with individuals who present a
26 variety of communication disorders, and this experience must have
27 been obtained within his training institution or in one of its

1 cooperating programs;

2 (6) have obtained the equivalent to nine months of full-time sup-
3 ervised professional experience (the Clinical Fellowship Year) in which
4 bona fide clinical work has been accomplished in the major
5 professional area (speech pathology or audiology) in which the
6 license is being sought. The Clinical Fellowship Year shall be super-
7 vised by a qualified person acceptable to the committee, and must have
8 begun after completion of the academic and clinical practicum
9 experiences specified in Subsections (3)(A), (B), (C), (D), and
10 (4) of this section.

11 Sec. 11. APPLICATION FOR LICENSE. Each applicant shall
12 be examined by the committee and shall pay to the committee, at
13 least 30 days prior to the date of the examination, an examination
14 fee prescribed by the committee, which fee will not be refunded
15 by the committee.

16 Sec. 12. EXAMINATION. (a) The committee may examine by
17 written or oral examination or by both. The examination shall
18 be given at least twice a year at the time and place and under
19 such supervision as the committee may determine. Standards for
20 acceptable performance shall be identical to those acceptable for the
21 Certificate of Clinical Competency in speech pathology and audiology.

22 (b) An applicant may petition the committee to waive the
23 written examination or any of its parts if he can demonstrate
24 adequate competence in the area he is seeking a license, however,
25 the fee for the written examination will be paid by the applicant.

26 Sec. 13. LICENSING UNDER SPECIAL CONDITIONS. The committee
27 shall upon request waive the examination and the educational and
28 professional experience requirements for applicants who hold a
29 baccalaureate degree with a major in speech pathology or audiology
30 or an equivalent major and who, on the effective date of this
31 Act, are actively engaged in the practice of speech pathology
32 and/or audiology in this State upon ~~_____~~

1 proof of bona fide practice presented to the committee in the manner
2 prescribed by the committee's regulations, providing that they file
3 an application for licensure within 90 days from the effective date
4 of this Act. The term "actively engaged" as used in this section
5 shall include applicants engaged in the practice of
6 speech pathology and/or audiology for a continuous period of at
7 least four months during the eighteen month period immediately
8 preceding the effective date of this Act, September 1, 1973.

If an applicant has not been "actively engaged" as defined above, the committee shall waive the educational, examination, and professional experience requirements if the applicant:

(a) Presents evidence that his present unemployment is due to personal health problems, a family emergency, or other extenuating circumstances; (b) holds at least a bachelor's degree in speech pathology or audiology; (c) presents proof of bona fide practice in speech pathology or audiology during three of the five years immediately preceding September 1, 1973; and (d) is recommended for licensure under the provisions of this Act by three persons, two of whom qualify for licensure under this Act and who are familiar with the applicant's competency as a speech pathologist or audiologist.

Sec. 14. ISSUANCE OF LICENSE. (a) The committee shall issue a license to all applicants who meet the requirements of this Act and who pay to the committee the initial license fee provided by the committee but not to exceed \$50.

(b) Temporary certificate of registration may be applied for to the committee by a person who fulfills the requirements of Section 10 of this Act and who has not previously applied to take the examination provided under Section 12 of this Act.

(c) On receiving an application provided under Subsection (b) of this section accompanied by a fee of \$10, the committee shall issue a temporary certificate of registration which entitles the applicant to practice audiology or speech pathology for a period ending eight weeks after the conclusion of the next examination given after the date of issue.

Sec. 15. RENEWAL OF LICENSE. (a) Each licensed speech pathologist or audiologist shall annually on or before January 30 pay to the committee a set fee for a renewal of his license. A 30-day grace period shall be allowed after January 30. After expiration of the grace period, the committee may renew each license after payment of a penalty set by the committee. No person who applies for renewal, whose license has expired, may be required to submit to any examination as a condition to renewal, provided the renewal application is made within two years from

1 the date of the expiration.

2 (b) A suspended license is subject to expiration and shall
3 be renewed as provided in this Act, but the renewal does not
4 entitle the licensee, while the license remains suspended and
5 until it is reinstated, to engage in the licensed activity, or
6 in any other activity or conduct in violation of the order or
7 judgment by which the license was suspended. A license revoked
8 on disciplinary grounds is subject to expiration as provided in
9 this Act, but it may not be renewed. If it is reinstated after
10 its expiration, the licensee, as a condition of reinstatement,
11 shall pay a reinstatement fee in an amount equal to the renewal
12 fee in effect on the last preceding regular renewal date before
13 the date on which it is reinstated, plus the delinquency fee, if
14 any, accrued at the time of the license revocation.

15 (c) All licenses expire and become invalid one year from the
16 date of issuance if not renewed.

17 Sec. 16. FEES. The amount of fees prescribed in connection
18 with a license as a speech pathologist or audiologist shall be
19 an amount fixed by the committee (and shall not exceed \$50). The
20 committee shall fix the amount of the fees so that the total fees
21 collected will be sufficient to meet the expenses of administering
22 this Act and so that unnecessary surpluses in the fund provided
23 for in Section 20 are avoided.

24 Sec. 17. SUSPENSION AND REVOCATION. (a) The committee
25 may refuse to issue a license, or may suspend or revoke the license
26 of any licensee if he has been guilty of unprofessional conduct
27 which has endangered or is likely to endanger the health, welfare,
28 or safety of the public. Such unprofessional conduct may include:
29

(1) obtaining a license by means of fraud,

1 misrepresentation, or concealment of material facts;

2 (2) selling, bartering, or offering to sell or barter a
3 license or certificate of registration;

4 (3) being guilty of unprofessional conduct as defined by
5 the rules established by the committee, or violating the code of
6 ethics adopted and published by the committee;

7 (4) violating any lawful order, rule, or regulation rendered
8 or adopted by the committee; or

9 (5) violating any provisions of this Act.

10 (b) The committee shall deny an application for, or suspend
11 or revoke, or impose probationary conditions upon, a license as
12 ordered by the committee in any decision made after hearing as
13 provided in this Act. One year from the date of revocation of
14 a license under this Act, application may be made to the committee
15 for reinstatement. The committee shall have discretion to accept
16 or reject an application for reinstatement and may require an
17 examination for the reinstatement.

18 (c) A plea or verdict of guilty or a conviction following
19 a plea of nolo contendere made to a charge of a felony or of an
20 offense involving moral turpitude is deemed to be a conviction
21 within the meaning of this Act. At the direction of the committee,
22 the license may be suspended or revoked, or the committee may
23 decline to issue a license when the time for appeal of the
24 conviction has elapsed, or the judgment or conviction has been
25 affirmed on appeal, or when an order granting probation is made
26 suspending the imposition of sentence irrespective of a subsequent
27 order allowing a person to withdraw his plea of guilty, or setting

1 aside the verdict of guilty, or dismissing the information or
2 indictment.

3 Sec. 18. PENALTIES. (a) Any person who violates any of
4 the provisions of this Act is guilty of a misdemeanor and on
5 conviction is punishable by imprisonment in the county jail not
6 exceeding six months, or by a fine not exceeding \$1,000, or both.

7 (b) Whenever any person other than a licensed speech
8 pathologist or audiologist has engaged in any act or practice
9 which constitutes an offense under this Act, a district court of
10 any county, on application of the committee, may issue an
11 injunction or other appropriate order restraining such conduct.

12 Sec. 19. PROCEDURES FOR DENIAL, REVOCATION, OR SUSPENSION
13 OF A LICENSE. (a) Any person whose application for a license
14 is denied is entitled to a hearing before the committee if he
15 submits a written request to the committee.

16 (b) Proceedings for revocation or suspension of a license
17 shall be commenced by filing charges with the committee in writing
18 and under oath. The charges may be made by any person or persons.

19 (c) The chairman of the committee shall fix a time and
20 place for a hearing and shall cause a written copy of the charges
21 or reason for denial of a license, together with a notice of the
22 time and place fixed for the hearing, to be served on the applicant
23 requesting the hearing or the licensee against whom the charges
24 have been filed at least 20 days prior to the date set for the
25 hearing. Service of charges and notice of hearing may be given
26 by certified mail to the last known address of the licensee or
27 applicant.

1 (d) At the hearing the applicant or licensee has the right
2 to appear either personally or by counsel, or both, to produce
3 witnesses, to have subpoenas issued by the committee, and to
4 cross-examine opposing or adverse witness.

5 (e) The committee is not bound by strict rules of procedure
6 or by the laws of evidence in the conduct of the proceedings but
7 the determination shall be founded upon sufficient legal evidence
8 to sustain it.

9 (f) The committee shall determine the charges on their
10 merits and enter an order in a permanent record setting forth the
11 findings of fact and law and the action taken. A copy of the
12 order of the committee shall be mailed to the applicant or licensee
13 at his last known address by certified mail.

14 (g) An individual whose application for a licensee has
15 been refused or whose license has been cancelled, revoked, or
16 suspended by the committee may take an appeal, within 20 days
17 after the order is entered, to any district court of Travis County
18 or to any district court of the county of his residence.

19 (h) A case reviewed under the provisions of this section
20 proceeds in the district court by trial de novo as that term is
21 used and understood in appeals from justice of the peace courts
22 to the county courts of this state. Appeal from the judgment of
23 the district court lies as in other civil cases.

24 Sec. 20. DISPOSITION OF FUNDS RECEIVED. (a) All funds
25 received by the committee under this Act shall be paid to the
26 secretary-treasurer of the committee. All money shall be deposited
27 in the state treasury in a separate fund to be known as the speech

1 pathology and audiology fund.

2 (b) All expenses for the administration of this Act shall
3 be paid from fees collected by the committee under this Act and
4 fees paid into the speech pathology and audiology fund are
5 allocated to the committee for that purpose.

6 (c) Funds shall be appropriated to the committee for the
7 implementation of this Act, said funds coming from general state
8 funds for the first year.

9 Sec. 21. REVENUE. (a) The committee shall report to the
10 state comptroller at the beginning of each month the amount and
11 source of all revenue received by it during the preceding month
12 pursuant to this Act, and at the time shall pay the entire amount
13 thereof into the speech pathology and audiology fund.

14 Sec. 22. EXEMPTIONS FROM THE BASIC SCIENCE LAW. The
15 provisions of Chapter 95, Acts of the 51st Legislature, Regular
16 Session, 1949, as amended (Article 4590c, Vernon's Texas Civil
17 Statutes), do not apply to audiologists and/or speech pathologists
18 duly qualified and licensed under this Act who confine their
19 activity to the areas specified in this Act.

20 Sec. 23. SEVERABILITY. If any portion of this Act or the
21 application thereof to any person, case, or circumstance is held
22 invalid, such invalidity shall not affect other provision or
23 application of the Act which can be given effect without the
24 invalid provision or application, and to this end the provisions
25 of this Act are declared to be severable.

26 Sec. 24. EFFECTIVE DATE. This Act is effective September
27 1, 1973.

28 Sec. 25. EMERGENCY. The importance of this legislation

1 and the crowded condition of the calendars in both houses create
2 an emergency and an imperative public necessity that the
3 constitutional rule requiring bills to be read on three several
4 days in each house be suspended, and this rule is hereby suspended.

By: Vale

H.B. No. 837

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of speech pathologists and audiologists; providing penalties; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. PURPOSE. It is declared to be a policy of this state that, in order to safeguard the public health, safety, and welfare, and to protect the public from being misled by incompetent, unscrupulous, and unauthorized persons, and to protect the public from unprofessional conduct by qualified speech pathologists and audiologists, it is necessary to provide regulatory authority over persons offering speech pathology and audiology services to the public.

Sec. 2. DEFINITIONS. As used in this Act:

(1) "Committee" means the state Committee of Examiners for Speech Pathology and Audiology.

(2) "Person" means any individual, organization, or corporate body, except that only individuals can be licensed under this Act.

(3) "Speech Pathologist" means one who practices speech pathology and holds himself out to the public by any title or description of services incorporating the words "speech pathologist," "speech pathology," "speech therapy," "speech correction," "speech correctionist," "speech therapist," "speech clinic," "speech clinician," "language pathologist," "language pathology," "language therapist," "logopedics," "logopedist,"

1 "communicology," "communicologist," "aphasiologist," "voice
2 therapy," "voice therapist," "voice pathology," "voice
3 pathologist," "phoniatrist," or any similar titles or descriptions
4 of services.

5 (4) "The practice of speech pathology" means the application
6 of principles, methods, and procedures for the measurement,
7 testing, evaluation, prediction, counseling, or instruction related
8 to the development and disorders of speech, voice, or language
9 for the purpose of evaluating, preventing, or modifying such
10 disorders and conditions in individuals or groups of individuals.

11 (5) "Audiologist" means one who practices audiology and
12 holds himself out to the public by any title or description of
13 services incorporating the words "audiologist," "audiology,"
14 "audiological," "hearing center," "hearing clinic," "hearing
15 clinician," "hearing therapist," or any similar titles or
16 descriptions of service.

17 (6) "The practice of audiology" shall not include the
18 practice of selling hearing aids as that practice is defined in
19 Chapter 366, p. 1122, Acts 1969, 61st Legislature (Article 4566,
20 Vernon's Annotated Texas Statutes). Nothing in this Act shall
21 automatically qualify an audiologist to practice under Article
22 4566.

23 Sec. 3. ADMINISTRATION. (a) The State Committee of
24 Examiners for Speech Pathology and Audiology under the jurisdiction
25 of the Texas State Department of Public Health is created. The
26 committee shall consist of nine members, appointed by the governor

1 who have been residents of the State of Texas for two years
2 immediately preceding appointment. Six members shall have been
3 engaged in rendering services, teaching, or research in speech
4 pathology and/or audiology for at least five years. Of these six
5 members, three members shall be audiologists, three members shall
6 be speech pathologists; and except for the initial appointees,
7 all six shall hold valid licenses under this law. Three shall
8 be public members, one of whom is a licensed physician and surgeon,
9 board certified in otolaryngology; and the remaining two public
10 members, one representing education and one interested citizen,
11 shall not be licensees of the committee or of any board under
12 this division. The members of the committee shall serve until
13 the expiration of the term to which they have been appointed or
14 until their successors are qualified.

15 (b) Their appointment shall be made as follows:

16 (1) The initial term shall be by lot and divided in the
17 following manner: three members of the committee shall be
18 appointed for a term of two years; three members of the committee
19 shall be appointed for a term of four years; and three members
20 of the committee shall be appointed for a term of six years. All
21 appointments made thereafter shall be for the term of six years.

22 (c) The committee shall organize annually and select a
23 chairman who, except for the initial chairman, shall hold a valid
24 license under this Act, a vice-chairman, and a secretary-treasurer.
25 The initial chairman shall be a person who meets the qualifications
26 for licensing under this Act.

1 (d) Five members of the committee shall constitute a quorum
2 to do business.

3 (e) No person may be appointed to serve more than two
4 consecutive terms.

5 (f) The committee shall hold at least one regular meeting
6 each year at which time at least one of the year's exams shall
7 be offered. Additional meetings may be held on the call of the
8 chairman or at the written request of any three members of the
9 committee. At least 14 days' advance notice of committee meetings
10 is required.

11 Sec. 4. DUTIES AND POWERS. (a) The committee shall
12 administer, coordinate, and enforce the provisions of this Act,
13 evaluate the qualifications of applicants, and supervise the
14 examination of applicants. The committee may issue subpoenas,
15 examine witnesses, and administer oaths under the state laws of
16 Texas; and it shall investigate persons engaging in practices
17 which violate the provisions of this Act.

18 (b) The committee shall conduct hearings and keep records
19 and minutes necessary to an orderly dispatch of the administration
20 of this Act.

21 (c) The committee shall adopt reasonable rules and
22 regulations, including but not limited to regulations which
23 establish ethical standards of practice, and the committee may
24 amend or repeal the rules and regulations adopted by it.

25 (d) Every person who holds a license to practice speech
26 pathology or audiology in this state is governed and controlled

1 by the rules and regulations adopted by the committee.

2 (e) The conferral or enumeration of specific powers
3 elsewhere in this Act shall not be construed as a limitation of
4 the general powers conferred by this section.

5 (f) The committee shall be represented by the attorney
6 general and the district and county attorneys of this state.

7 (g) Officers and employees directly responsible for handling
8 money paid to the committee shall give any bond for the performance
9 of this duty which the committee may require. The premium for
10 the bond shall be paid from committee funds.

11 Sec. 5. COMPENSATION AND PAYMENT OF EXPENSES OF COMMITTEE.

12 (a) The committee members shall receive no compensation for their
13 services, but they may receive reimbursement for actual expenses
14 incurred in the administration of this Act.

15 (b) All expenses incurred by the committee in the
16 administration of the provisions of this Act shall be paid by
17 warrants drawn on the state treasury by the comptroller when
18 vouchers for expenses approved by the committee are submitted to
19 the comptroller.

20 Sec. 6. EMPLOYEES OF THE COMMITTEE. The committee may
21 employ, and at its pleasure discharge, a secretary and attorneys,
22 inspectors, clerks, and any other employees deemed necessary, and
23 shall outline their duties and fix their compensation.

24 Sec. 7. SEAL AND AUTHENTICATION OF RECORDS. The committee
25 shall adopt a seal by which it shall authenticate its proceedings.
26 Copies of the proceedings, records, and acts of the committee,

1 and certificates purporting to relate the facts concerning such
2 proceedings, records, and acts, signed by the secretary and
3 authenticated by the seal, are prima facie evidence in all courts
4 of this state.

5 Sec. 8. LICENSING AND REGULATION OF SPEECH PATHOLOGISTS
6 AND AUDIOLOGISTS. (a) Licenses shall be granted either in speech
7 pathology or audiology independently. A person may be licensed
8 in both areas if he meets the respective qualifications.

9 (b) No person may practice or represent himself as a speech
10 pathologist or audiologist in this state after December 31, 1973,
11 unless he is licensed in accordance with the provisions of this
12 Act.

13 Sec. 9. PERSONS AND PRACTICES NOT AFFECTED. (a) Nothing
14 in this Act may be construed to prevent a qualified person licensed
15 in this state under any other law from engaging in the profession
16 for which he is licensed.

17 (b) Nothing in this act shall be construed to prevent or
18 restrict the activities and services, and the use of an official
19 title, by a person in the employ of a federal or state agency or
20 political subdivision of this State, to the extent that such
21 services and activities of such person are part of the duties of
22 his office or position with such agency or institution.

23 (c) Nothing in this Act may be construed as restricting
24 the activities and services of a student or intern in speech
25 pathology at an accredited or approved college or university or
26 an approved clinical training or service facility, provided that

1 these activities and services constitute a part of his supervised
2 course of study or internship year and that these persons are
3 designated by such titles as "Speech Pathology Intern," "Speech
4 Pathology Trainee," or other such title clearly indicating the
5 training status appropriate to his level of training.

6 (d) Nothing in this Act may be construed as restricting
7 activities and services of a student or intern in audiology
8 pursuing a course of study leading to a degree in audiology at
9 an accredited or approved college or university or an approved
10 clinical training or service facility, provided that these
11 activities and services constitute a part of his supervised course
12 of study or internship year and that such persons are designated
13 by such title as "Audiology Intern," "Audiology Trainee," or other
14 such title clearly indicating the training status appropriate to
15 his level of training.

16 (e) Nothing in this Act may be construed to prevent a
17 person licensed to fit and dispense hearing aids by the Texas
18 Board of Examiners in Fitting and Dispensing Hearing Aids from
19 engaging in the practice of fitting and dispensing hearing aids
20 in this State.

21 (f) Nothing in this Act shall be construed as authorizing
22 any person licensed under this Act to engage in the fitting and
23 dispensing of hearing aids as that term is defined in Chapter
24 366, page 122, Acts 1969, 61st Legislature (Article 4566, Vernon's
25 Annotated Civil Statutes of Texas) unless such person has been
26 issued a license to engage in the fitting and dispensing of hearing

aids by the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids.

Sec. 10. QUALIFICATIONS OF APPLICANTS FOR LICENSE. To be eligible for licensing as a speech pathologist or audiologist, the applicant must:

(1) be of good moral character;

(2) be a citizen of the United States or have declared his intention to become a citizen. A statement by the applicant under oath that he is a citizen or that he intends to apply for citizenship when he becomes eligible to make application, is sufficient proof of compliance with this subdivision;

(3) possess at least a master's degree from an accredited or approved college or university;

(4) submit transcripts from one or more colleges or universities showing that a total of 60 semester hours of academic credit have been successfully completed and that the applicant has obtained the following well-integrated program of course study:

(A) 12 semester hours must be in courses that provide information that pertains to normal development and use of speech, language, and hearing.

(B) 30 semester hours must be in courses that provide information about and training in evaluation and management of speech, language, and hearing disorders. At least 24 of these 30 semester hours must be in courses in the professional area (speech pathology or audiology) for which the license is requested.

1 and no less than 6 semester hours may be in audiology for the
2 license in speech pathology or in speech pathology for the license
3 in audiology. Moreover, no more than 6 semester hours may be in
4 courses that provide credit for clinical practice obtained during
5 academic training;

6 (C) credit for study of information pertaining to related
7 fields that augment the work of the clinical practitioner of
8 speech pathology and/or audiology may also apply;

9 (D) 30 semester hours that are required for a license must
10 be in courses that are acceptable toward a graduate degree by the
11 college or university in which they are taken (21 of those 30
12 semester hours must be within the 24 semester hours required in
13 the professional area (speech pathology or audiology) for which
14 the license is requested or within the 6 semester hours required
15 in the other area);

16 (5) have completed a minimum of 300 clock hours of
17 supervised clinical experience with individuals who present a
18 variety of communication disorders, and this experience must have
19 been obtained within his training institution or in one of its
20 cooperating programs;

21 (6) have obtained the equivalent to nine months of full-time
22 supervised professional experience (the Clinical Fellowship Year)
23 in which bona fide clinical work has been accomplished in the
24 major professional area (speech pathology or audiology) in which
25 the license is being sought. The Clinical Fellowship Year shall
26 be supervised by a qualified person acceptable to the committee;

1 and must have begun after completion of the academic and clinical
2 practicum experiences specified in Subsections (3) (A), (B), (C),
3 (D), and (4) of this section.

4 Sec. 11. APPLICATION FOR LICENSE. Each applicant shall
5 be examined by the committee and shall pay to the committee, at
6 least 30 days prior to the date of the examination, an examination
7 fee prescribed by the committee, which fee will not be refunded
8 by the committee.

9 Sec. 12. EXAMINATION. (a) The committee may examine by
10 written or oral examination or by both. The examination shall
11 be given at least twice a year at the time and place and under
12 such supervision as the committee may determine. Standards for
13 acceptable performance shall be identical to those acceptable for
14 the Certificate of Clinical Competency in speech pathology and
15 audiology.

16 (b) An applicant may petition the committee to waive the
17 written examination or any of its parts if he can demonstrate
18 adequate competence in the area he is seeking a license, however,
19 the fee for the written examination will be paid by the applicant.

20 Sec. 13. LICENSING UNDER SPECIAL CONDITIONS. The committee
21 shall upon request waive the examination and the educational and
22 professional experience requirements for applicants who hold a
23 baccalaureate degree with a major in speech pathology or audiology
24 or an equivalent major and who, on the effective date of this
25 Act, are actively engaged in the practice of speech pathology
26 and/or audiology in this State upon proof of bona fide practice

presented to the committee in the manner prescribed by the committee's regulations, providing that they file an application for licensure within 90 days from the effective date of this Act. The term "actively engaged" as used in this section shall include applicants engaged in the practice of speech pathology and/or audiology for a continuous period of at least four months during the eighteen month period immediately preceding the effective date of this Act, September 1, 1973. If an applicant has not been "actively engaged" as defined above, the committee shall waive the educational, examination, and professional experience requirements if the applicant: (a) Presents evidence that his present unemployment is due to personal health problems, a family emergency, or other extenuating circumstances; (b) holds at least a bachelor's degree in speech pathology or audiology; (c) presents proof of bona fide practice in speech pathology or audiology during three of the five years immediately preceding September 1, 1973; and (d) is recommended for licensure under the provisions of this Act by three persons, two of whom qualify for licensure under this Act and who are familiar with the applicant's competency as a speech pathologist or audiologist.

Sec. 14. ISSUANCE OF LICENSE. (a) The committee shall issue a license to all applicants who meet the requirements of this Act and who pay to the committee the initial license fee provided by the committee but not to exceed \$50.

(b) Temporary certificate of registration may be applied for to the committee by a person who fulfills the requirements.

1 of Section 10 of this Act and who has not previously applied to
2 take the examination provided under Section 12 of this Act.

3 (c) On receiving an application provided under Subsection
4 (b) of this section accompanied by a fee of \$10, the committee
5 shall issue a temporary certificate of registration which entitles
6 the applicant to practice audiology or speech pathology for a
7 period ending eight weeks after the conclusion of the next
8 examination given after the date of issue.

9 Sec. 15. RENEWAL OF LICENSE. (a) Each licensed speech
10 pathologist or audiologist shall annually on or before January
11 30 pay to the committee a set fee for a renewal of his license.
12 A 30-day grace period shall be allowed after January 30. After
13 expiration of the grace period, the committee may renew each
14 license after payment of a penalty set by the committee. No
15 person who applies for renewal, whose license has expired, may
16 be required to submit to any examination as a condition to renewal,
17 provided the renewal application is made within two years from
18 the date of the expiration.

19 (b) A suspended license is subject to expiration and shall
20 be renewed as provided in this Act, but the renewal does not
21 entitle the licensee, while the license remains suspended and
22 until it is reinstated, to engage in the licensed activity, or
23 in any other activity or conduct in violation of the order or
24 judgment by which the license was suspended. A license revoked
25 on disciplinary grounds is subject to expiration as provided in
26 this Act, but it may not be renewed. If it is reinstated after

1 its expiration, the licensee, as a condition of reinstatement,
2 shall pay a reinstatement fee in an amount equal to the renewal
3 fee in effect on the last preceding regular renewal date before
4 the date on which it is reinstated, plus the delinquency fee, if
5 any, accrued at the time of the license revocation.

6 (c) All licenses expire and become invalid one year from
7 the date of issuance if not renewed.

8 Sec. 16. FEES. The amount of fees prescribed in connection
9 with a license as a speech pathologist or audiologist shall be
10 an amount fixed by the committee (and shall not exceed \$50). The
11 committee shall fix the amount of the fees so that the total fees
12 collected will be sufficient to meet the expenses of administering
13 this Act and so that unnecessary surpluses in the fund provided
14 for in Section 20 are avoided.

15 Sec. 17. SUSPENSION AND REVOCATION. (a) The committee
16 may refuse to issue a license, or may suspend or revoke the license
17 of any licensee if he has been guilty of unprofessional conduct
18 which has endangered or is likely to endanger the health, welfare,
19 or safety of the public. Such unprofessional conduct may include:

20 (1) obtaining a license by means of fraud,
21 misrepresentation, or concealment of material facts;

22 (2) selling, bartering, or offering to sell or barter a
23 license or certificate of registration;

24 (3) being guilty of unprofessional conduct as defined by
25 the rules established by the committee, or violating the code of
26 ethics adopted and published by the committee;

1 (4) violating any lawful order, rule, or regulation rendered
2 or adopted by the committee; or

3 (5) violating any provisions of this Act.

4 (b) The committee shall deny an application for, or suspend
5 or revoke, or impose probationary conditions upon, a license as
6 ordered by the committee in any decision made after hearing as
7 provided in this Act. One year from the date of revocation of
8 a license under this Act, application may be made to the committee
9 for reinstatement. The committee shall have discretion to accept
10 or reject an application for reinstatement and may require an
11 examination for the reinstatement.

12 (c) A plea or verdict of guilty or a conviction following
13 a plea of nolo contendere made to a charge of a felony or of an
14 offense involving moral turpitude is deemed to be a conviction
15 within the meaning of this Act. At the direction of the committee,
16 the license may be suspended or revoked, or the committee may
17 decline to issue a license when the time for appeal of the
18 conviction has elapsed, or the judgment or conviction has been
19 affirmed on appeal, or when an order granting probation is made
20 suspending the imposition of sentence irrespective of a subsequent
21 order allowing a person to withdraw his plea of guilty, or setting
22 aside the verdict of guilty, or dismissing the information or
23 indictment.

24 Sec. 18. PENALTIES. (a) Any person who violates any of
25 the provisions of this Act is guilty of a misdemeanor and on
26 conviction is punishable by imprisonment in the county jail not

1 exceeding six months, or by a fine not exceeding \$1,000, or both.

2 (b) Whenever any person other than a licensed speech
3 pathologist or audiologist has engaged in any act or practice
4 which constitutes an offense under this Act, a district court of
5 any county, on application of the committee, may issue an
6 injunction or other appropriate order restraining such conduct.

7 Sec. 19. PROCEDURES FOR DENIAL, REVOCATION, OR SUSPENSION
8 OF A LICENSE. (a) Any person whose application for a license
9 is denied is entitled to a hearing before the committee if he
10 submits a written request to the committee.

11 (b) Proceedings for revocation or suspension of a license
12 shall be commenced by filing charges with the committee in writing
13 and under oath. The charges may be made by any person or persons.

14 (c) The chairman of the committee shall fix a time and
15 place for a hearing and shall cause a written copy of the charges
16 or reason for denial of a license, together with a notice of the
17 time and place fixed for the hearing, to be served on the applicant
18 requesting the hearing or the licensee against whom the charges
19 have been filed at least 20 days prior to the date set for the
20 hearing. Service of charges and notice of hearing may be given
21 by certified mail to the last known address of the licensee or
22 applicant.

23 (d) At the hearing the applicant or licensee has the right
24 to appear either personally or by counsel, or both, to produce
25 witnesses, to have subpoenas issued by the committee, and to
26 cross-examine opposing or adverse witness.

1 (e) The committee is not bound by strict rules of procedure
2 or by the laws of evidence in the conduct of the proceedings but
3 the determination shall be founded upon sufficient legal evidence
4 to sustain it.

5 (f) The committee shall determine the charges on their
6 merits and enter an order in a permanent record setting forth the
7 findings of fact and law and the action taken. A copy of the
8 order of the committee shall be mailed to the applicant or licensee
9 at his last known address by certified mail.

10 (g) An individual whose application for a license has been
11 refused or whose license has been cancelled, revoked, or suspended
12 by the committee may take an appeal, within 20 days after the
13 order is entered, to any district court of Travis County or to
14 any district court of the county of his residence.

15 (h) A case reviewed under the provisions of this section
16 proceeds in the district court by trial de novo as that term is
17 used and understood in appeals from justice of the peace courts
18 to the county courts of this state. Appeal from the judgment of
19 the district court lies as in other civil cases.

20 Sec. 20. DISPOSITION OF FUNDS RECEIVED. (a) All funds
21 received by the committee under this Act shall be paid to the
22 secretary-treasurer of the committee. All money shall be deposited
23 in the state treasury in a separate fund to be known as the speech
24 pathology and audiology fund.

25 (b) All expenses for the administration of this Act shall
26 be paid from fees collected by the committee under this Act and

1 fees paid into the speech pathology and audiology fund are
2 allocated to the committee for that purpose.

3 (c) Funds shall be appropriated to the committee for the
4 implementation of this Act, said funds coming from general state
5 funds for the first year.

6 Sec. 21. REVENUE. (a) The committee shall report to the
7 state comptroller at the beginning of each month the amount and
8 source of all revenue received by it during the preceding month
9 pursuant to this Act, and at the time shall pay the entire amount
10 thereof into the speech pathology and audiology fund.

11 Sec. 22. EXEMPTIONS FROM THE BASIC SCIENCE LAW. The
12 provisions of Chapter 95, Acts of the 51st Legislature, Regular
13 Session, 1949, as amended (Article 4590c, Vernon's Texas Civil
14 Statutes), do not apply to audiologists and/or speech pathologists
15 duly qualified and licensed under this Act who confine their
16 activity to the areas specified in this Act.

17 Sec. 23. SEVERABILITY. If any portion of this Act or the
18 application thereof to any person, case, or circumstance is held
19 invalid, such invalidity shall not affect other provision or
20 application of the Act which can be given effect without the
21 invalid provision or application, and to this end the provisions
22 of this Act are declared to be severable.

23 Sec. 24. EFFECTIVE DATE. This Act is effective September
24 1, 1973.

25 Sec. 25. EMERGENCY. The importance of this legislation
26 and the crowded condition of the calendars in both houses create

H.B. No. 837

1 an emergency and an imperative public necessity that the
2 constitutional rule requiring bills to be read on three several
3 days in each house be suspended, and this rule is hereby suspended.

H.B. No. 837

By Vale

A BILL TO BE ENTITLED
AN ACT

relating to the licensing and regulation of speech pathologists
and audiologists; providing penalties; and declaring an emergency.

FILED MAR 1 1973

MAR 6 1973
READ 1ST TIME
AND REFERRED TO COMMITTEE ON
Human Resources

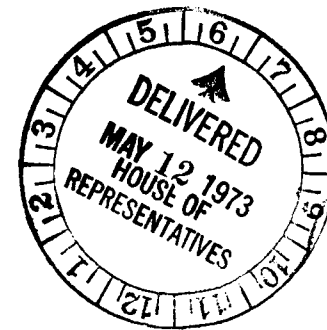
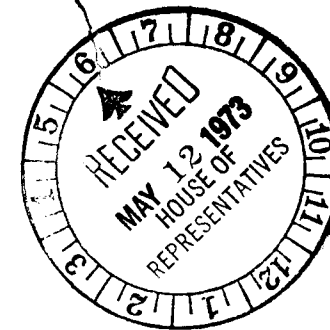
Dorothy Hallman
Chief Clerk, House of Representatives

MAY 11 1973 REPORTED FAVORABLY SENT TO PRINTER AS AMENDED

3/7/73 sent to
Date
Legislative Budget Board for
Fiscal Note Carlos J. Truan
Chairman

RECEIVED SUBSTITUTION

D. DISTRIBUTED AND
RECEIVED TO COMMITTEE ON
CALENDARS 6:15 P.M. MAY 1 2 1973
(Time) (Date)



MAY 17 1973 READ SECOND
TIME Amended AND
ORDERED Engrossed by
non record vote

Dorothy Hallman
Chief Clerk, House of Representatives
MAY 17 1973

Read third time
and Passed
by following vote yeas 134

Nays 0 - 4 present
Dorothy Hallman
Chief Clerk
HOUSE OF REPRESENTATIVES

MAY 17 1973 SENT TO ENGROSSING CLERK

By: Vale

H.B. No. 837

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of speech pathologists
and audiologists; providing penalties; and declaring an emergency.

3- 1-73_ Filed.

3- 6-73_ Read first time and referred to Committee on Human Resources.

5-11-73_ Reported favorably as amended, sent to printer.

5-12-73_ Printed, distributed and referred to Committee on Calendars
at 6:15 p.m.

5-17-73_ Read second time, amended and ordered engrossed by a non-
record vote.

5-17-73_ Read third time and passed by the following vote: Yeas 134,
Nays 0 and 4 present not voting.

Dorothy Hallman
Chief Clerk, H. of R.

5-17-73_ Sent to Engrossing Clerk.

5-17-73_ Engrossed.

Engrossing Clerk, H. of R.

MAY 18 1973 RECEIVED FROM ENGROSSING CLERK SEN. H. H. H. H.

MAY 19 1973

Received from the House

MAY 28 1973

Read, referred to Committee on HUMAN RESOURCES

Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

Regular order of business suspended by

(unanimous consent.

(years, nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of years, nays.

Read second time passed to third reading.

Caption ordered amended to conform to body of bill.

Senate and Constitutional 3-Day Rules suspended by vote of

years, nays to place bill on third reading and final passage.

Read third time and passed by

(a viva-voce vote.

(years, nays.

OTHER ACTION:

Secretary of the Senate

Returned to HOUSE